

Serial No. 10/675,402

134122-1

REMARKS

Applicant respectfully requests entry of this Amendment and reconsideration of the pending claims. Claims 1-11 and 16-28 are canceled. Claims 12 and 13 are amended. Accordingly, claims 12-15 are currently pending in the above-identified patent application.

Applicant hereby confirms the oral selection/election made November 15, 2005 for prosecution on the merits. The remaining claims are hereby cancelled.

Independent claim 12 has been amended to exclude nitrogen. Applicant respectfully submits that the amended claims are patentable over the cited references for at least the reasons that follow.

Claim 12 was rejected under 35 U.S.C. 102 (e) as anticipated by Meisner et al., U.S. patent Application No. 20050047994 (Hereafter Meisner). While Meisner may disclose some of the same base elements, the paragraphs cited in the Office Action further contain the statement "a composition was chosen to optimize conversion of alkali amide to alkali imide" (para [0036]). The next cited paragraph (para [0037]) discloses amide and imide compounds. Applicant submits that Meisner discloses, teaches and suggests the use of nitrogen-containing compounds. While the current claim 12 does not use the open ended "composition" language and instead uses "compound", claim 12 has been amended to clarify that the compound is "nitrogen-free". As such, amides and imides (as disclosed in the cited reference) are outside of the claim scope. Indirect support for the claim amendment is found throughout the specification insofar as the disclosed species are shown as complete compounds that do not contain nitrogen. Applicant submits that the amended claim language is literally supported by the examples provided in the specification.

Applicant submits that the pending claims are not anticipated, and respectfully request notice to that effect.

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Meisner in view of Jensen et al., U.S. Patent Application No. 2004/0009121 (Hereafter "Jensen"). Applicant respectfully disagrees that the combination is obvious for at least the following reasons.

Serial No. 10/675,402

134122-1

As noted above, Meisner does not disclose the compositions in the amended claim 12 or indicate their suitability for use. Because there is no suggestion that the compositions can be used in the defined manner, it would not be obvious to one of ordinary skill in the art to reproduce the claimed method. There is neither disclosure or teaching of the claim elements, nor a reasonable suggestion that such a modification or substitution would work in the base reference. Regardless, electrical resistive heating has been deleted from claim 13. Because characteristics differ from composition to composition, such as hydrogen storage/release properties and, particularly, the response to the input of energy, it cannot be obvious that substitutions or modifications can be made in either composition or energy source without an expectation that the response would be different. There is no indication, other than Applicant's disclosure, that the heating of the claimed compositions using microwave radiation or using convectional heating would work in a similar or the same manner as the disclosed method of heating would. At best, it may be obvious to try different heating methods to determine their suitability. But, "obvious to try" is not the standard that needs to be met for a *prima facie* case of obviousness. Rather, there must be a reasonable expectation of success by one of ordinary skill in the art. That has not been demonstrated here. Applicant submits that claim 13 is allowable over the cited references, alone or in combination.

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Meisner in view of Chen et al., U.S. Patent Application No. 2003/0129126 (Hereafter "Chen '126"). Claim 14 recites addition of dopants to the claimed compositions. Chen '126 recites dopants to metal nitrogen-based compounds that are different from the claimed compositions. As noted above, the base claim 12 is amended to be "nitrogen-free". The doping of nitrogen-based compounds does not implicate that the compositions as defined in claim 12 can be doped in the same manner or for the same reasons. There is no suggestion, motivation, or teaching in either Meisner or in Chen '126 to combine materials to arrive at the claimed compositions. Even if the doping was successful, and the claimed composition was somehow formed, one of ordinary skill in the art would not possibly be able to predict what would be the properties of that resultant composition. Applicant submits that because the result of the modification/combination would not be

Serial No. 10/675,402

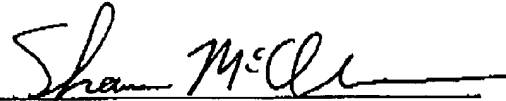
134122-1

obvious to one of ordinary skill in the art, that the modification/combination itself would not be obvious. Claim 14 should be allowed over the cited references.

Claim 15 depends from an allowable base claim. Therefore, Applicant respectfully submits that claim 15 is allowable also. Applicant respectfully requests the Examiner to reconsider the rejection of claim 15.

In view of the amendments, Applicant submits that the currently pending claims of the patent application are allowable over the cited references, and that the application is in condition for allowance. Accordingly, Applicant solicits allowance of the pending claims and movement of the present patent application on to issuance. If the Examiner has any questions regarding the present patent application, the Examiner can contact the below-signed counsel of Applicant at telephone number (518)-387-5448.

Respectfully submitted,



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